



Regional Airline Association
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U.S. Department of Transportation Dockets
Docket No. FAA-2000-8460
400 Seventh St. SW., Room Plaza 401
Washington, DC 20590

SUBJECT: Proposed Rule: Format Change for Airworthiness Directives

Gentlemen/Madam:

The Regional Airline Association (RAA) submits the following comments on the subject proposal on behalf of our membership (attachment A). RAA encouraged its members to submit comments directly to the docket. Our comments should be considered as supplemental to any comments individually submitted to the docket by RAA members.

RAA supports the proposal to remove the boilerplate provisions in AD's and place them in FAR Part 39. However we request that the FAA reconsider their policy on using the Plain Language Initiative for FAR rulemaking, particularly on using the *Question and Answer* format.

- 1. RAA requests that the *Question and Answer* format of the Proposed Rule be replaced with the current format that begins each provision with a descriptive title of the provision and the provision itself is not written as an answer, but simply provides the regulation described by the title.**

The proposed Part 39 rewrite is the second section to be converted to the Plain Language *Question and Answer* format; the first section was FAR Part 11. The *Question and Answer* format works well for regulations that are fairly simple and straightforward such as FAR Part 11. For more complex regulations however what we will see is the need to break up the complex provision into numerous provisions in order to respond to each question that is now answered by the complex provision. RAA believes that the *Question and Answer* format will force the reader to read many more provisions than the one he/she is interested in and will not adequately respond to all the questions that are now answered by reading a rule in the current format.

The *Question and Answer* format did not noticeably increase the number of provisions of FAR Part 11 because a number of the process rules were very similar to other process rules and were easily combined into a few provisions (39 to 42, an increase of 3 provisions). Proposed FAR Part 39 goes from 7 provisions (4 current plus 3 new) to 10 provisions under the *Question and Answer* format. While a provision count of 7 to 10 may not appear to be a significant increase, RAA believes that once the FAA applies the *Question and Answer* format to the more complex operational sections (Part 91, Part 121, Part 135), the sheer size of the regulations will become unmanageable and a number of questions that are now answered by the current rules will be overlooked under the *Question and Answer* format.



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As a practical matter, it will be extremely difficult for the FAA to anticipate all the questions that are now being answered by users reading a single regulatory provision and it will be extremely difficult for us to respond to an NPRM in the Q&A format since most questions only come up when the need arises.

We of course support the aspect of the Plain Language Initiative to use language that is readily understandable; it is only the Q&A format that we find awkward.

2. RAA requests that proposed Part 39.13 be deleted as unnecessary.

The fact that AD's are part of the CFR but are not codified in the annual edition is a statement that does not need to be placed in the regulations. It is an informational item; not a rule. The information provided by proposed Part 39.13 can simply be stated in the preamble.

3. RAA requests that Part 39.21 be rewritten as follows:

Part 39.21 Special Flight Permits

Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

The above rewrite is of course, the same boilerplate statement for special flight permits found in every AD. Every operator knows exactly what this means. The question asked under the FAA proposal "*How can I get a special flight permit to operate my aircraft to a repair facility to do the work required by an airworthiness directive?*" only leads to another question, Why can't I simply use the procedure described by FAR 21.197 and 21.199 for AD related ferries?

Part 39.21 needs to be worded so as to encompass air carriers that have a continuing authorization to issue special flight permits as well as those issued by the FAA in accordance with FAR Part 21.197. The proposed FAA wording could lead some to conclude that any permit to move an aircraft for AD compliance will have to be issued like an AMOC request. A change in FAA policy concerning FAR 21.197 and FAR 21.199 was not mentioned in the proposed rule, so we conclude FAR 21.197 ferry permits are still valid.

Your consideration of the comments and requests of RAA and its member's, is appreciated.

Sincerely,

David Lotterer
Vice President - Technical Services

Attachment



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Attachment A- RAA Member Airlines

Company	City, State
Aeromar *	Mexico City, DF
Air Midwest	Wichita, KS
AirNet Systems	Columbus, OH
Air Nova *	Enfield, Nova Scotia, Canada
Air Ontario*	London, Ontario
Air Serv	Redlands, CA
Air Wisconsin	Appleton, Wis
Allegheny	Middletown, PA
American Eagle	Dallas, TX
Atlantic Coast Airlines	Dulles, VA
Atlantic Coast Jet	Dulles, VA
Atlantic Southeast	Atlanta, GA
Big Sky Airlines	Billings, MT
Cape Air	Hyannis, MA
CCAIR	Charlotte, NC
Champlain Air	Plattsburgh, NY
Chautauqua Airlines	Indianapolis, IN
Chicago Express	Chicago, Il.
Colgan Air	Manassas, VA
Comair	Cincinnati, OH
CommutAir	Plattsburgh, NY
Continental Express	Houston, TX
Corporate Air	Billings, Montana
Corporate Express	Nashville, TN
Eagle Aviation	Las Vegas, NV
Empire Airlines	Coeur d'Alene, ID
ERA Aviation	Anchorage, AS
Executive Airlines Inc.	San Juan, P.R.
Executive Airlines	Farmingdale, NY
Express Airlines I	Memphis, TN
Falcon Express	Tulsa, OK
Federal Express	Memphis, TN
First Air	Dallas, TX
Grand Canyon	Grand Canyon, AZ
Great Lakes Aviation	Bloomington, MN
Gulfstream Int'l	Miami Springs, FL
Horizon Air	Seattle, WA
Island Air	Honolulu, HI
Mesaba	Minneapolis, MN
Midway Airlines	RDU Int'l Airport, NC
North-South Airways	Atlanta, GA
Ozark Airlines	Columbia, MO
Pan Pacific	Mount Vernon, WA



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Piedmont Airlines	Salisbury, MD
PSA Airlines	Vandalia, OH
Scenic Airlines	N. Las Vegas, NV
Seaborne Aviation	Christiansted, USVI
Servicios Aereos Litoral*	San Antonio, TX
Sedona (Aaron)	Seattle, WA
Shuttle America	Windsor Locks, CT
Skymark	Spokane, WA
Skyway Airlines	Oak Creek WI
Skywest	St. George, UT
Sunworld Int'l Airlines	Ft. Mitchell, KY
Tie Aviation	Jamaica, NY
Trans States	St. Louis, MO
Universal Airways	Houston, TX
Walker's Int'l	Ft. Lauderdale, FL

* RAA International Members